

**REMARKS**

Reconsideration of the present application is respectfully requested. Claims 1-30 previously presented for examination remain in the application. Claims 1, 4, 8-11, 14, 18-21, 24 and 28-30 have been amended. No new claims have been added and no claims have been canceled.

Claims 4-10, 14-20 and 24-30 stand rejected under 35 U.S.C. § 112, second paragraph as being considered to be indefinite. In particular, it is stated that claims 1, 11 and 21 include alternative language used to describe the interaction between the SMI handler and either a performance state control applet (e.g. an SST applet) or a thermal driver in a thermal management operating system while claims 4, 14 and 24 imply the presence of both.

Applicant agrees with the statement in the office action that claims 1, 11 and 21 use alternative language to describe the interaction between the SMI handler and the performance state control applet or the operating system and with the statement that claims 4, 14 and 24 imply the presence of both. Applicant disagrees, however, with the statement that these are contradictory.

For some embodiments, for example, the SMI handler may interact with either the performance state control applet or the operating system even where both of them are present.

It is further stated that claims 9, 10, 19, 20, 29 and 30 are indefinite because they further limit only the use of the performance state control applet, but do not specify that the applet is required. Claims 9, 10, 19, 20, 29 and 30 have been amended as indicated.

Applicant respectfully submits that the claims as presented meet the requirements of 35 U.S.C. § 112, second paragraph.

Claims 1-3, 11-13 and 21-23 stand rejected under 35 U.S.C. § 102(b) as being considered to be anticipated by U.S. Patent No. 6,112,164 to Hobson ("Hobson").

Claim 1 includes the limitations

invoking a system management interrupt (SMI) handler in response to an SMI;  
determining a thermal state of a processor by the SMI handler; and  
interacting between the SMI handler and one of a performance state control applet and a thermal driver in a thermal management operating system (OS) to determine whether to transition the processor to one of a low power state and a high power state based on the thermal state according to a native performance control status.

(Claim 1)(emphasis added)

Applicant respectfully submits that Hobson does not teach or suggest the claimed features of applicant's invention including at least interacting between an SMI handler and one of a performance state control applet and an operating system thermal driver to determine whether to transition a processor to one of a low power state and a high power state based on the thermal state according to a native performance control status.

Hobson discloses a thermal management technique for a computer system including establishing a thermal window having low and high temperature thresholds. During interrupt processing, if the thermal device indicates the current temperature is outside the established thermal window, the thermal window is adjusted by resetting the low and high temperature thresholds to

bracket the current temperature and then notify the operating system that a thermal event has occurred. (See e.g. Hobson, Abstract).

Applicant respectfully submits that Hobson fails to teach or suggest either of the claimed performance state control applet or the native performance control status as set forth in claim 1. Hobson describes only interacting with an ACPI operating system.

For at least these reasons, Hobson cannot be considered to teach the claimed features of applicant's invention.

Independent claims 11 and 21 include similar limitations. Claims 2-10, claims 12-20 and claims 22-30 depend from and further limit claims 1, 11 and 21, respectively and thus, should also be found to be patentably distinguished over Hobson for at least the same reasons.

Claims 9, 10, 19, 20, 29 and 30 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Based on the foregoing, applicant respectfully submits that the applicable objections and rejections have been overcome and claims 1-30 are in condition for allowance.

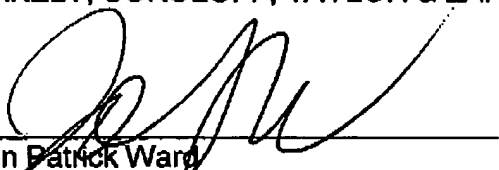
If the Examiner disagrees or believes that further discussion will expedite prosecution of this case, the Examiner is invited to telephone applicant's representative Cynthia Thomas Faatz at (408) 765-2057.

If there are any charges due, please charge Deposit Account No. 02-2666.

Respectfully submitted,

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